

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JANUARY 13, 2009  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:44 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

**DR. MARTIN LUTHER KING, JR. DAY**

**RECOGNITION**

**STAR ON THE MOUNTAIN AWARD - JOE OLVERA**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Ray Bannon
2. Mr. Jerry Thiedt
3. Mr. Jon Little
4. Mr. Ray Gilbert
5. Mr. Richard Sheldon
6. Ms. Suzanne Fabian
7. Mr. Arthur Ward

Motion made by Representative Castro, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Bannon an additional two minutes to address the Council.

Representative Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Momsen, City Clerk
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

.....  
Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:44 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:10 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

.....  
**EX1.** Discussion and action on the City lease of 10 Civic Center Plaza, El Paso, El Paso County, Texas. (551.071 and 551.072)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Manager be authorized to **NEGOTIATE** an amendment to the lease for 10 Civic Center Plaza, El Paso, El Paso County, Texas.

.....  
**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Lilly, Byrd, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

.....  
**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 6, 2009.

.....  
**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

**NO ACTION** was taken on this item.

.....  
**3A.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Trajen Flight Support, LP a/k/a Atlantic Aviation ("Lessee"), and Southwest Medevac ("Sublessee") regarding a portion of the premises located at 1751 Shuttle Columbia, El Paso, Texas.

.....  
**3B.**

**\*RESOLUTION**

**THAT** the Acting Director of Aviation be authorized to sign and submit grant applications and related documentation to the Federal Aviation Administration (FAA), and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP), Project No. 3-48-0077-26-09; and

**THAT** upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office; provided that such authorization shall include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements; and

**THAT** the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant; and

**THAT** the total grant amount shall include a federal share of \$1,702,409 and a local share of \$89,475, and will be utilized for the following project:

Reconstruction of Taxiway "J" and "M" - this project will provide for the total reconstruction of portions of El Paso International Airport's Taxiways "J" and "M" and includes the removal of existing asphalt concrete pavement and replacement with Portland cement concrete pavement.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

Ms. Lisa Turner, citizen, commented.

.....  
**3C.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso City Code, the City Council of the City of El Paso, by Order dated the 27<sup>th</sup> day of February 2008, after due notice and hearing, issued an order to veronica S. Jarosz, record Owner of the hereinafter described property that the main structure be secured, demolish accessory structures within 30 days and to clean the premises of all weeds, trash, and debris all

within 30 days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to secure the structures and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the structures and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 19 and 20, Block 121, Morningside Heights Addition, an addition to the City of El Paso, El Paso County Texas; Lots 17 and 18 in Block 121 of the Morningside Heights Addition to the City of El Paso County, Texas, municipally known and numbered as 3830 Johnson Avenue, El Paso, Texas,

to be \$6,132.47, performed by the Street Department of the City of El Paso, and \$1,411.34, performed by the City Clerk's Office and Development Services Department, making a total of \$7,543.81. The City Council finds that the work was completed on the 18<sup>th</sup> day of April 2008, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$7,543.81 to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso City Code, the City Council of the City of El Paso, by Order dated the 27<sup>th</sup> day of February 2008, after due notice and hearing, issued an order to maria L. Montes, record Owner of the hereinafter described property that the main structure be secured within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to secure, the structure and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the structure, and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 14 and the West one half of Lot 15, Block 95, East El Paso Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3029 Tularosa Avenue, El Paso, Texas,

to be \$3,296.03, performed by the Street Department of the City of El Paso, and \$1,311.09, performed by the City Clerk's Office and Development Services Department, making a total of \$4,607.12. The City Council finds that the work was completed on the 9<sup>th</sup> day of April 2008, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$4,607.12 to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**3D.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign an Amendment to License Agreement by and between the City of El Paso ("the City") and Cemex Construction Materials South, LLC. ("CEMEX") amending that certain License Agreement dated February 25, 2003, by and between the City and Jobe Concrete Products Inc. ("Jobe") acknowledging CEMEX as Jobe's successor in interest and adding certain environmental requirements for the City to fulfill.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Ms. Lisa Turner, citizen, commented.  
.....

**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Randy Bowling to the Zoning Board of Adjustment, as a regular appointment, by Representative Melina Castro, District 4.  
.....

**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Santamaria to the Zoning Board of Adjustment, alternate appointment, by Representative Melina Castro, District 4.  
.....

**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Roman Bustillos to the Airport Board by Representative Rachel Quintana, District 5.  
.....

**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Jeannine Kennedy to the Parks and Recreation Advisory Board by Representative Ann Morgan Lilly, District 1.  
.....

**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** William H. Wickline to the Retired and Senior Volunteer Program (RSVP) Advisory Council, filling an unexpired term, by Representative Melina Castro, District 4.  
.....

## 5D. BOARD APPOINTMENT

\*Motion made, seconded, and unanimously carried to **APPOINT** Sergio Chiu to the Committee on Border Relations, filling an unexpired term, by Representative Melina Castro, District 4.

## 6. APPLICATIONS FOR TAX REFUND

\*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. Chase Home Finance in the amount of \$2,646.21 overpayment of 2007 taxes.  
(PID #C340-999-0270-8800).
- B. Matilde O. Ybanez in the amount of \$6,231.64 overpayment of 2008 taxes.  
(PID #C340-999-0690-0100).
- C. Peter Kilpatrick in the amount of \$3,518.75 overpayment of 2008 taxes.  
(PID #C733-999-0020-0100).
- D. Chase Home Finance in the amount of \$3,522.60 overpayment of 2007 taxes.  
(PID #C942-999-0050-8500).
- E. Stewart Title of El Paso in the amount of \$8,547.09 overpayment of 2008 taxes.  
(PID #F609-999-0120-0200).
- F. Lucia Calleros in the amount of \$3,397.63 overpayment of 2007 taxes.  
(PID #N425-999-0150-6300).
- G. Lone Star Title Company of El Paso in the amount of \$3,680.83 overpayment of 2008 taxes.  
(PID #P585-000-0170-2700).
- H. Chase Home Finance in the amount of \$3,807.73 overpayment of 2007 taxes.  
(PID #T213-999-0130-2800).
- I. Capital Source Finance, LLC in the amount of \$43,791.52 overpayment of 2007 taxes.  
(PID #V893-999-2400-5100).
- J. GMAC Mortgage in the amount of \$3,202.47 overpayment of 2007 taxes.  
(PID #W145-999-0790-2500).

## 7. COMPETITIVE SEALED BID

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Matyear Construction Co. Inc. who submitted the highest ranked proposal for the EPIA – U.S. Customs and Border Protection Facility (Re-Bid) as per recommendations from the Engineering Department and El Paso International Airport. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: El Paso International Airport  
Account No.: 62620026 – 508027 – 41088 – PAP0048  
Funding Source: Airport Enterprise Fund  
Proposal No.: 2009-046

Ms. Lisa Turner, citizen, commented.

.....

**8. INTRODUCTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

NOT PRESENT FOR THE VOTE: Representative O'Rourke

An Ordinance authorizing the City Manager to sign a Lease Agreement between the City of El Paso and Teens In Action for the facility commonly known as the Ysleta Park Recreation Building located at 9068 Socorro Road, El Paso, Texas.

**PUBLIC HEARING WILL BE HELD ON JANUARY 20, 2009, FOR THE ITEM**

.....

ITEMS TAKEN TOGETHER:

**9A.**

**ORDINANCE 17049**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 28, BLOCK 22A, VISTA GRANADA UNIT TWO REPLAT B, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2/SC (APARTMENT/SPECIAL CONTRACT) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**9B.**

**R E S O L U T I O N**

**WHEREAS**, the zoning of the property described as a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, City of El Paso, El Paso County, Texas, was changed by City Council on November 8, 1983; and,

**WHEREAS**, the rezoning was subject to the property owner entering into a contract with the city and such contract imposed the following zoning conditions:

- a) No building permits will be issued for construction on Parcel 3 until 120 feet of right of way adjacent to Parcel 3 is dedicated and improved for Rojas Drive.
- b) No Certificates of occupancy shall be issued by the City until all of the portion of George Dieter Drive as shown on Exhibit "D" that is presently owned by Pendale but not improved, has been dedicated and improved.

**WHEREAS**, placement of such conditions was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, Condition (a) does not apply at the subject-property, it is not abutting Rojas Drive; and Condition (b) has been satisfied, George Dieter Drive has been dedicated and improved; and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal of the above conditions on the above described property; and,

**WHEREAS**, a public hearing regarding amendment of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of the above conditions will protect the best interest, health, safety and welfare of the public in general.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

1. That the following conditions imposed by a contract dated November 8, 1983 be released on the portion of land identified as a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, City of El Paso, El Paso County, Texas:
  - a) No building permits will be issued for construction on Parcel 3 until 120 feet of right of way adjacent to Parcel 3 is dedicated and improved for Rojas Drive.
  - b) No Certificates of occupancy shall be issued by the City until all of the portion of George Dieter Drive as shown on Exhibit "D" that is presently owned by Pendale but not improved, has been dedicated and improved.

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Ortega commented.

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**, and the Resolution **APPROVED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance and the approval of the Resolution which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance and Resolution, the same be and the same are hereby **ADOPTED AND APPROVED**.

.....  
**9C. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

.....  
**9D.**

**ORDINANCE 17050**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 52 THROUGH 56, BLOCK B, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**



Representative O'Rourke commented.

Mr. Philip Etiwe, Development Review Manager, commented.

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....  
9E.

#### ORDINANCE 17051

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 58 AND A PORTION OF LOT 59, BLOCK B, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....  
10A.

#### ORDINANCE 17052

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 SCHEDULE XIV (SPEED LIMITS), G (FORTY-MILES PER HOUR), OF THE EL PASO CITY CODE BY ADDING HELEN OF TROY DRIVE BETWEEN DESERT NORTH BOULEVARD AND THE EAST CITY LIMITS; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....  
**10B.**

**ORDINANCE 17053**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 SCHEDULE III (PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE BY ADDING HELEN OF TROY DRIVE FROM DESERT BOULEVARD NORTH TO A POINT FIVE HUNDRED FEET EAST OF RESLER DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Lilly commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. David Karlsruher, citizen, commented.

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....  
**10C.**

**ORDINANCE 17054**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 SCHEDULE III (PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE BY AMENDING NUMBER 331 (BOTH SIDES OF BELVIDERE FROM TUDOR WAY TO WHITE CLIFFS DRIVE) TO BELVIDERE STREET FROM TUDOR WAY TO DE LOS SANTOS WAY, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

11A.

## RESOLUTION

**WHEREAS**, the 81st Texas Legislature convenes on January 13, 2009;

**WHEREAS**, the Texas Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

**WHEREAS**, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED LEGISLATIVE AGENDA IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 81<sup>st</sup> TEXAS LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:**

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Texas Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's legislative lobbyist and state agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.
3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, O'Rourke, Byrd, Quintana, Castro, Acosta, Ortega, and Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Christina Montoya, Vice President of Consumer Relations for El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Ruben Guerra, Chair of the Public Service Board of Directors, commented.

The following members of the public commented:

1. Mr. Terry Bilderback
2. Mr. Bill Addington
3. Mr. Ray Gilbert
4. Mr. Paul Northdrop

#### **1<sup>ST</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

#### **2<sup>ND</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative O'Rourke, and unanimously carried to pull item 11 (Public Service Board portion) out of the current Legislative Agenda, refer to the Governmental Legislative Review Committee, and bring back to Council in two weeks with specific intentions regarding the appointment process, makeup, and number of members.

#### **3<sup>RD</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **DELETE** the portion of the Legislative Agenda on page 3 regarding supporting legislation to enable the motor fuel tax to increase with growth in the economy by indexing it to the consumer.

AYES: Representatives Acosta, Castro, Quintana, Holguin, and Ortega

NAYS: Representatives Lilly, Byrd, and O'Rourke

#### **4<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **DELETE** the portion on the Legislative Agenda regarding amending Chapter 33, Subchapter A, Section 33.0 of the Tax Code to increase the penalty a delinquent tax incurs for the first calendar month it is delinquent.

#### **5<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the amendments as read into the record by Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs.

#### **6<sup>TH</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **APPROVE, AS REVISED**, the Resolution and Legislative Agenda, with the exception of the Project Arriba item.

#### **7<sup>TH</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **APPROVE** the Project Arriba item.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: Representative Holguin

.....  
**11B.**

## **RESOLUTION**

**WHEREAS**, the Ysleta del Sur Pueblo is a U.S. federally recognized Native American tribe and sovereign nation.

**WHEREAS**, the Ysleta del Sur Pueblo was established in 1682 and since the tribe has maintained a significant presence in the El Paso region that helped pave the way for the future development of the area.

**WHEREAS**, after centuries of struggle, the Ysleta del Sur Pueblo should have the right and means to freely determine its social, economic, political and cultural future and should be free to help themselves out of poverty and to provide a better life for its citizens through self-determination that supports self-sustainability.

**WHEREAS**, the economic benefits of gaming such as job creation, investment stimulation, tourism development, and the improvement of economic status of the Pueblo and surrounding communities is an economic benefit to the entire region.

**WHEREAS**, from early 1994 to 2002 when Speaking Rock was operational, the center created hundreds of jobs for both Indian and non-Indians in the surrounding communities of the El Paso County and West Texas region.

**WHEREAS**, off reservation benefits resulting from former gaming revenues included tribal contributions to charitable and civic organization ranging from little league teams to community foundations.

**WHEREAS**, gaming operations on reservation lands are owned by the tribal government who uses the revenues to fund essential services, such as health, education, law enforcement, tribal courts, economic development, infrastructure improvements, and to provide for the general welfare of the tribe.

**WHEREAS**, revenues also generate major social and economic benefits and impacts for the Mission Valley and El Paso region such as increasing income levels, supporting small business, and community improvements.

### **NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City of El Paso supports the El Paso Legislative Delegation in their efforts to re-establish gaming on the Ysleta del Sur Pueblo Reservation.

Representative Holguin presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative Lilly commented.

The following members of the public commented:

1. Mr. Carlos Hisa, Lt. Governor for Ysleta del Sur Pueblo Tribal Government
2. Mr. Jerry Thiedt
3. Mr. Ray Gilbert
4. Mr. Jesus Padilla, Commissioner on Native American Affairs

**1<sup>ST</sup> MOTION**

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

.....  
**11C.**

**RESOLUTION**

**WHEREAS**, freight and passenger mobility is critical to the economic prosperity and quality of life in the state of Texas; and

**WHEREAS**, freight rail traffic moves fastest and safest in areas with fewer at-grade crossings; and

**WHEREAS**, in its present state the transportation system in Texas is a major consumer of natural resources and a major source of air, water, and noise pollution; and

**WHEREAS**, the state's population has grown by 57% and the total passenger miles driven rose by 95% over the past 25 years, but highway lane miles increased by just 8% over the same period; and

**WHEREAS**, the congested transportation system creates approximately \$60.8 billion dollars in added costs; and

**WHEREAS**, the present system of inter-city freight rail lines adds to the traffic congestion and hampers efforts to develop a centralized, inter-city commuter rail line; and

**WHEREAS**, the creation of a centralized, inter-city commuter rail line will address some of the critical transportation issues facing this century; and

**WHEREAS**, freight rail traffic and commuter rail are often mutually exclusive on the same rail lines; and

**WHEREAS**, failure to address critical transportation needs will hamper economic stability in the State; and

**WHEREAS**, the Texas Department of Transportation estimates that freight-movement trucking is increasing nationwide by 2% per year, increasing by 6% per year statewide, but increasing by 15% per year in the Austin-San Antonio Corridor and 10% in the El Paso Region for rail; and

**WHEREAS**, the Legislature of the State of Texas has passed and the public has approved by election the constitutional amendment creating the Texas Rail Relocation and Improvement Fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

That the City Council of the City of El Paso, Texas, supports the following:

1. Legislative action that would create and fund programs that would enhance public transportation in the State; and
2. Legislative action that would provide funding and assistance for the relocation of freight rail lines and the creation of inter-city commuter rail lines.

Representative O'Rourke presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Castro, and Acosta commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice and Ms. Jane Shang, Deputy City Manager of Mobility Services, commented.

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution.

11D.

## R E S O L U T I O N

**WHEREAS**, the Texas Parks & Wildlife Department ("TPWD") administers the Texas Recreation & Parks Account Local Park Grant Program ("TRPA") and manages 93 State parks and historical sites in Texas;

**WHEREAS**, TPWD has a separate account in their general revenue fund referred to as the TRPA for the purpose of providing matching grants to political subdivisions for parks and recreation projects;

**WHEREAS**, the matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation and open space areas to be owned and maintained by political subdivisions;

**WHEREAS**, funds granted to political subdivisions under the TRPA guidelines have funded 1,495 projects of the 2,913 submitted over 29 years delivering over \$792 million dollars to the local Texas economy;

**WHEREAS**, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry;

**WHEREAS**, the TRPA and State parks are funded from sales tax on sporting goods and that the development of new parks stimulates the purchase of sporting goods;

**WHEREAS**, the maintenance and improvements of State park and historic sites and the addition of new parks is a priority to Texans due to the State's expanding population and extensive tourism industry;

**WHEREAS**, the development of parks encourages and promotes public health, economic development, job creation, education; corporate relocations, an improved quality of life, and juvenile crime prevention;

**WHEREAS**, funds are needed for major repairs at state parks and for the acquisition and development of parks and facilities; and

**WHEREAS**, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas and the leadership of the 81<sup>st</sup> Texas Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

That members of the 81<sup>st</sup> Legislature of Texas seek passage of legislation maximizing the use of revenue from the sporting goods sales tax to increase funding for parks and recreation programs for both Local and State parks and that all TRPA funded park projects be subject to the established TPWD competitive scoring system.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution.

.....  
**11E.**

**RESOLUTION**

That the City Manager be authorized to exercise the City's first option to renew the Professional Services Agreement by and between the City of El Paso and Patricia A. Shipton for legislative and lobbying services in Austin, Texas. This renewal period will be from January 29, 2009 through January 28, 2010.

Representative O'Rourke commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE** the Resolution.

.....  
**12.**

**RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Carl Daniel Architects for a project known as "Abraham Chavez Theater Renovation" for an amount not to exceed \$997,197 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,047,197.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

Motion made by Representative Quintana, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the Resolution.

.....  
**13. MUNICIPAL CLERK**

Discussion and action on the appointment of part-time Associate Municipal Court Judges:

- Michele Locke
- Sergio Chavez
- Sheldon Myers
- Patricia Palafox
- Roger Rodriguez



## 1<sup>ST</sup> MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

## 2<sup>ND</sup> AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **DELETE** the item on discussion and action on the appointment of part-time Associate Municipal Court Judges and to send all résumés to the Presiding Judge and request that all candidates be interviewed:

Michele Locke  
Sergio Chavez  
Sheldon Myers  
Patricia Palafox  
Roger Rodriguez

AYES: Representatives Lilly, Byrd, Quintana, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, and Holguin

Mayor Cook and Representatives Quintana, Acosta, Ortega, Holguin, O'Rourke, and Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

Mr. Roger Rodriguez, applicant, commented.

Ms. Lisa Turner and Mr. Ray Gilbert, citizens, commented.

.....  
Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 1:40 p.m. in order to convene the Mass Transit Department Board Meeting.

.....  
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 2:04 p.m.

## ADDITION TO THE AGENDA

1.

### RESOLUTION

**WHEREAS**, Lock and Key Productions [the "Producer"] desires demolish a residential structure in El Paso and construct a new residential structure at the same site as a program for its television show, Extreme Makeover Home Edition [the "Event"]; and

**WHEREAS**, the City Council finds that the use of City equipment, staff and resources in support of the Event will be a positive promotion of the City, and that this constitutes a significant benefit and public purpose for the City of El Paso; and

**WHEREAS**, The City Council finds that financial support of the Event will promote tourism in the City as a result of national and regional publicity of the Event.

**WHEREAS**, The City Council finds that the Event serves the public purposes of development and diversification of the economy of the City, the elimination of unemployment or underemployment, reduction of blight and the development of commerce in the City.

**WHEREAS**, production of the Event requires the use police escorts, police traffic control, fire department paramedics, City landfill and obtaining all permits and inspections necessary for the Event without cost to the Producer; and

**WHEREAS**, the estimated costs to the City consist of:

1. Construction plan expedited review and building permit	\$ 1,500.00
2. Construction inspection (24 hours per day)	\$ 2,500.00
3. Special Privilege License application fee:	\$ 82.50
4. Special Privilege fee at \$55 per day:	\$ 550.00
5. Police personnel services	\$52,000.00
6. Police vehicle costs	\$ 6,350.00
7. Fire EMS on duty on site	\$ 3,376.80
8. Fire Dept. equipment (gas only)	\$ 40.00
9. Tent Permit:	\$ 72.45
10. Land Fill Fees (\$22.00 per ton x 495 tons):	\$15,890.00
11. Barricades for streets:	\$ 900.00
12. Airport Shuttle busses:	\$ 2,081.60
13. Use of City property on Castner Street (right of entry):	\$ 100.00
14. Welcome To El Paso sign (36"x48"):	\$ 108.43
subtotal:	\$85,551.78
Contingent amount for cost overruns (10% of the sub total):	\$ 8,555.18
total cost::	\$94,106.96; and

**WHEREAS**, the Producer' production of the Event will result in a positive economic impact consisting of the expenditures that follow as well as other benefits to the City:

1. 1,048 motel/hotel room nights.
2. Honeywagons (large trailers that have 5-6 bathrooms) that will be rented locally.
3. Individual Porta-Potties, between 5 and 8 units, rented from a local company.
4. Local Film Crew hire (between 15-20 locals hired).
5. Electrical Service (local) Crew hire: 2-3 Grips, 2 Best Boys, 2 Gaffers, 2 Generator Operators.
6. 1-ton Grip and Lighting Packages
7. Rental Vehicles for Crew – Location Managers for a minimum of 48 days. Other crew vehicles – approx 4 additionally rented for a minimum of 10 days.
8. The Catering Team will purchase food daily to feed cast, crew and volunteers.
9. Craft Service. This will be stocked 24/7 with all types of refreshments and snacks all purchased locally on a daily basis.
10. Local purchases of some construction & decorating materials.
11. Tents rented from a local tent company – up to 4 for a minimum of 10 days.

12. Heaters for each tent – up to 4 heaters per large tent.
13. Meals for crew at local Restaurants.
14. Local Shopping for personal items.
15. 2-Way Radios, rented locally.
16. Local Limousine service – 2-day rental.
17. Spanish Translation Services; and

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City is authorized to provide monetary support to the Lock and Key Productions for the production of its television show which pertains to the demolition of a residential structure in El Paso and the construction a new residential structure at the same site. Payment of any of the costs for the Event listed above and already approved by the City Manager is hereby ratified and approved.

The right of entry to City property granted to the Producer as approved by the City Manager is hereby ratified and approved.

The cost of the services authorized in this Resolution that the City may provide for such support shall not exceed \$94,106.96. Such amount shall be paid from the City's general fund. Payment shall be paid as reimbursement to the appropriate City fund and no payment shall be made directly to Contractor.

Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life Services, and Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega, Byrd, O'Rourke, Acosta, Quintana, Castro, and Holguin commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Bill Addington, representing the Sierra Club, commented.

**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

**2<sup>ND</sup> MOTION**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECONSIDER** the item.

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Quintana, seconded by Representative Lilly, and carried to **APPROVE** the Resolution.

AYES; Representatives Lilly, Byrd, Acosta, and Quintana

NAYS: Representatives Holguin, Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Castro

.....

## **ADDITION TO THE AGENDA**

### **2A.**

#### **RESOLUTION**

**WHEREAS**, the topics of immigration reform, border security, and state and federal cooperation on immigration are concerns that are of great importance to state and local government entities of both sides of the United States-Mexico border; and,

**WHEREAS**, border security is critical to the safety, quality of life and economic prosperity of the United States-Mexico border region; and,

**WHEREAS**, though today's immigrants, like yesterday's, may arrive in the United States with no money and speaking foreign languages, they come with an entrepreneurial spirit and desire to live the American Dream; and,

**WHEREAS**, across the world, walls erected to divide peoples and nations are symbols of failed and repressive efforts to thwart human freedom and prosperity; and,

**WHEREAS**, the El Paso/Juarez Community embraces the international nature of our community and believes that our border joins us and does not divide us; and,

**WHEREAS**, the Secure Border Fence Act of 2006 calls for 700 miles of fencing that will only divide the El Paso/Juarez community and do nothing to advance a comprehensive approach to immigration reform; and,

**WHEREAS**, the fence is estimated to cost \$7.5 million per mile, the El Paso/Juarez community could better use those funds to improve conditions at the region's ports of entry; and,

**WHEREAS**, such investment in border infrastructure would allow for enhanced commerce flow; and,

**WHEREAS**, the Putting Our Resources Together ("PORTS") Act provides for additional Customs & Border Protection officers and additional funding for construction at our international bridges; and,

**WHEREAS**, in 2003, trade through the land ports along the U.S.-Mexico Border represented about 83 percent of the trade between the countries. Together, the top 10 ports of entry account for 98 percent of trade passing through the border. El Paso had approximately 20.2 percent of the exports, which put the City only behind Laredo in volume. As to numbers of overall inspections of people, El Paso surpasses all ports of entry in Texas. With \$152 billion in land trade with Mexico, Texas surpassed other states by far: California (\$30 billion), Arizona (\$12 billion) and New Mexico (\$1.1 billion); and,

**WHEREAS**, the balance of the facilitation of trade with the need to make our community secure has long been of principle importance; and,

**WHEREAS**, the El Paso community has worked with representatives and agencies in Mexico and the United States for many years to create secure trade and traffic programs, including the first Dedicated Commuter Lane ("DCL") AND Free and Secure Trade ("FAST") in Texas; and,

**WHEREAS**, current immigration law does not have timely legal alternatives to allow companies or individuals to employ such essential workers as those needed in the construction, healthcare, restaurant, transportation, hotel, elder care, and child care job sectors, among others; and,

**WHEREAS**, on December 16, 2005, the U.S. House of Representatives passed H.R. 4437, which fundamentally proposes an enforcement only approach to the complex issue of the control of illegal immigration and the improvement of border security.

**THEREFORE, BE IT HEREBY:**

**RESOLVED**, that the complex issues of illegal immigration and a porous border cannot be fixed by an enforcement only approach. Any solutions must take a multi-layered approach to multi-layered issues created over decades of neglect.

**RESOLVED**, that when addressing issues of border security, the emphasis should be on the use of new and emerging technologies that will facilitate legitimate trade and border crossings.

**RESOLVED**, that the Council encourages the federal government to re-examine the construction of the fence along the entire southern border and that the incoming DHS secretary discontinue the practice of waiving environmental protections in order to expedite the project.

**RESOLVED**, that a solution must address allowing the undocumented in the United States who are filling legitimate employment needs a means to obtain legal status without placing them ahead of those who applied to enter the U.S. legally.

**RESOLVED**, that immigration processing backlogs must be reduced for those with valid pending applications.

**RESOLVED**, that new legislation must address document fraud and include severe penalties for those who prey upon undocumented aliens.

**RESOLVED**, that people offering to "assist" an undocumented person in the U.S. by providing food, shelter, counseling, or transportation must not be exposed to criminal penalties if they are not engaged knowingly in smuggling or aiding said individuals to enter into the United States.

**RESOLVED**, that the City of El Paso will continue to work in a collaborative manner with our Sister City, Ciudad Juarez, Chihuahua, and other governmental entities in the El Paso/Juarez Borderplex to address issues that are unique to the bi-national, multi-cultural community in which we live.

**RESOLVED**, that the City of El Paso will provide input and seek legislation regarding border security and immigration reform that is effective, responsible, humanitarian and not an encumbrance to international commerce.

Representative Byrd commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

The following members of the public commented:

1. Mr. Paul Northdrop
2. Mr. Danny Padilla
3. Ms. Heather McMurray

## **1<sup>ST</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

## **2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried to **APPROVE, AS AMENDED**, the Resolution.

## **ADDITION TO THE AGENDA**

### **2B. MAYOR AND COUNCIL**

Discussion and action to override Mayor Cook's veto of the proposed resolution for our Sister City of Ciudad Juarez by the Committee on Border Relations, as amended and approved at the City Council meeting of January 6, 2008.

Mayor Cook and Representatives O'Rourke, Ortega, Byrd, Acosta, Lilly, Quintana, Castro and Holguin commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Salvador Payan read a letter from Congressman Silvestre Reyes into the record.
2. Ms. Nubia Legarda
3. Mr. Bill Addington
4. Ms. Heather McMurray
5. Mr. Carl Robinson
6. Ms. Suzanne Fabian
7. Mr. Arthur Ward
8. Ms. Vanessa Romero
9. Mr. Paul Northdrop
10. Ms. Irene Ortega
11. Mr. Daniel Padilla
12. Mr. Daniel Rodriguez
13. Ms. Lisa Turner
14. Mr. Robert Almonte, Executive Director of the Texas Narcotics Officers Association 3:06:56 PM
15. Mr. Armando Cardoza
16. Mr. Arturo Dominguez
17. Mr. Salvador Gomez
18. Mr. Jorge Artalejo
19. Ms. Jennifer Hickey
20. Ms. Kristen Thomas
21. Mr. Lynn Fitzgerald\
22. Mr. John Gnauck
23. Mr. Terry Nelson
24. Ms. Mary Lou Carrillo
25. Ms. Helena Clark
26. Ms. Richarda Momsen read a letter into the record from State Representatives Joe Pickett, Norma Chavez, Chente Quintanilla, Marisa Marquez, and Joseph Moody.

**1<sup>ST</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Castro, and Holguin

**2<sup>ND</sup> MOTION**

Motion made by Representative Castro, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Robinson an additional two minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

**3<sup>RD</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried **SUSPEND THE RULES OF ORDER** to allow Mr. Northdrop an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

**4<sup>TH</sup> MOTION**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried **SUSPEND THE RULES OF ORDER** to allow Ms. Ortega an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

**5<sup>TH</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried **SUSPEND THE RULES OF ORDER** to allow Mr. Padilla an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative Holguin

**6<sup>TH</sup> MOTION**

Motion made by Representative Castro, seconded by Representative Quintana, and carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Almonte an additional one and a half minutes to address the Council.

AYES: Representatives Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Lilly

**7<sup>TH</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Dominguez an additional two minutes to address the Council.

**8<sup>TH</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Fitzgerald an additional minute to address the Council.

**9<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, to **OVERRIDE** Mayor Cook's veto of the proposed resolution for our Sister City of Ciudad Juarez by the Committee on Border Relations, as amended and approved at the City Council meeting of January 6, 2008.

AYES: Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

The motion **FAILED**. Three-fourths of the City Representatives, 6 votes, are required to override the Mayor's veto.

.....  
Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:54 p.m.

NOT PRESENT FOR THE VOTE: Representative Castro  
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk